

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

James R. Thompson Center
Murdock Room - DHS
100 W. Randolph Street, Suite 5-300
Chicago, Illinois 60601

Meeting of Panel B
March 14, 2012
10:30 a.m.

MINUTES

| | | |
|-----------------|---------------|--|
| Present: | Commissioners | Martin R. Castro, (Panel Chair) Marylee V. Freeman Robert A. Cantone |
| | Staff | Donyelle L. Gray Evelio Mora Bricia Herrera |

Call to Order

A meeting of Human Rights Commission Panel B was called to order on March 14, 2012, at 10:30 a.m. by Panel Martin R. Castro.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

- 1) A quorum of the public body was present at the meeting.

I. Panel Chair Announcement

Panel Chair Castro announced that the items on this agenda were originally considered by Panel B of the Human Rights Commission on January 11, 2012. These matters are being recalled and resubmitted to Panel B for the sole purpose of curing a procedural defect that became apparent after January 11, 2012, to wit, that a panel of three duly authorized commissioners shall have considered and rendered votes on the matters which follow, in conformity with 775 ILCS §§ 5/8-102(G), 8-103, 8-105, and 775 ILCS § 5/8A-103(H) of the Illinois Human Rights Act.

II. Consideration of Minutes.

The minutes of the meeting of October 12, 2011 were approved as amended. The minutes are amended as follows, page three; item VII, to reflect Commissioner Cantone abstained and Commissioner Chang seconded the Motion. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

III. Requests for Review

A) Roosevelt Dean v. State of Illinois Department of Human Services

Charge No.: 2009CA2595 ALS No.: 10-0713

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

B) Sheila Struse v. St. Anthony College of Nursing.

Charge No.: 2010SF0141 ALS No.: 10-0739

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

C) Edelmiro Arroyo v. Duraco

Charge No.: 2010CA0756 ALS No.: 10-0731

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

D) Rickey Burris, Sr. v. National Maintenance & Repair

Charge No.: 2010SF0593 ALS No.: 10-0738

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

E) Ivory Johnson v. A Caring Concept, Inc.

Charge No.: 2009CA3774 ALS No.: 10-0788

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Jurisdiction. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

F) Jose Rivera-Garcia v. Chemtool, Incorporated
Charge No.: 2010CF1651 ALS No.: 10-0757

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

G) Shirley Moody v. Take Care Health
Charge No.: 2010SF0118 ALS No.: 10-0727

The Panel sustained the dismissal of the charge in the above-referenced matter for Failure to File a Complaint with the Commission. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

H) Shirley Moody v. Lyondell Basell
Charge No.: 2010SF0119 ALS No.: 10-0728

The Panel sustained the dismissal of the charge in the above-referenced matter for Failure to File a Complaint with the Commission. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

I) J. Frederick Stark v. Dominick's Finer Foods a division of Safeway, Incorporated
Charge No.: 2009CP3664 ALS No.: 10-0767

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

J) Dajuan Zheng v. Ron of Japan, Ltd.
Charge No.: 2010CA0001 ALS No.: 10-0730

The Panel vacated the dismissal of the charge in the above-referenced matter. The Panel entered a finding of Substantial Evidence and remanded the matter to the Department for further proceedings. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

VI. Petition for Default

A) Paula F. Tenuta v. Mariana, Inc., d/b/a Encore Restaurant
Charge No.: 2011CF1405 ALS No.: 11-0821

The Panel voted to grant the Motion. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

V. Motion for Leave to File Motion to Correct Misnomer Instant / Memorandum in Support of Motion to Correct Misnomer

A) *Mary Sasicki v. Congress Restaurant*
Charge No.: 2007CA0414 ALS No.: 07-812

The Panel voted to grant the Motion. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

VI. Motion to Extend Time to File Reply and to File Reply in Excess of 30 Pages

A) #1-Michael Novak, #2- Christina Novak v. The State Parkway
Condominium Association
Charge No.: 2011CH1299 ALS No.: 11-0742

The Panel voted to grant the Motion. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

VII. Motion for Leave to File Request for Review Each in Excess of 30 Pages

A) *Paula Palmer v. BIR Training Center*
Charge No.: 2011CN4018 ALS No.: 11-0805

The Panel voted to grant the Motion. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

B) *Paula Palmer v. BIR Training Center*
Charge No.: 2011CN4017 ALS No.: 11-0806

The Panel voted to grant the Motion. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

C) *Joseph R. Rodriguez v. Local Teamsters Union 705*
Charge No.: 2010CA2656 ALS No.: 11-0803

The Panel voted to grant the Motion. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

D) *Joseph R. Rodriguez v. Local Teamsters Union 705*

The Complainant filed his Request for Review which was under 30 pages and the matter was moot. No vote was taken by the Panel.

VIII. Settlements

| | <u>DHR#</u> | <u>Complainant</u> | <u>Respondent</u> |
|----|-------------|--------------------|--------------------------------|
| 1. | 2012CF0489 | J. Simpson | Aries Shuttle Chicago |
| 2. | 2011CH3584 | J. Wilder | Rockford Housing Authority |
| 3. | 2012CH0360 | A. Siddiqui | Winthrop Terrace, LLC |
| 4. | 2011CH3702 | R. Davis | Colonial Partners LLC |
| 5. | 2012CH0776 | W. Appleton | First Western Properties, Inc. |
| 6. | 2012CH0237 | F. Thorns | 1. Adler View Owners et al. |

The Panel approved settlements 1 through 6. Motion made by Commissioner Cantone, seconded by Commissioner Freeman. Motion carried 3-0.

IX. Motion for a 45 Day Extension of Time to File Exceptions

A) *Yvette Redding v. Illinois Bell Telephone Co.*
Charge No.: 2007CF3062 ALS No.: 08-0102

The Panel voted to grant the Motion. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

X. Adjournment.

The meeting was adjourned at 10:45 a.m. Motion made by Commissioner Freeman, seconded by Commissioner Cantone. Motion carried 3-0.

Respectfully submitted,

Donyelle L. Gray
Acting General Counsel